HONOURABLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO.16455 OF 2004

Between

Kancharla Ram Reddy and another.

...Petitioner

And

Union of India reptd. By its Deputy Secretary, Ministry of Home Affairs, Loknayak Bhavan, (Hyderabad FF Cell), New Delhi and another.

...Respondents

:: O R D E R ::

Counsel for the Petitioner : Shri A.Rajendra Bbu

Counsel for Respondent No.1 : Shri Koti Reddy Idamakanti, Additional Standing Counsel For Central Government

Counsel for Respondent No.2 : Government Pleader for Revenue

Dated: 14th November 2006

In this petition, the petitioners –Kancharla Ram Reddy and Pamanugulla Yellaiah have prayed for issue of a mandamus to the respondents to sanction pension in their favour under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

The petitioners' claim for pension is founded on the assertion that they had participated in the movement launched against the erstwhile Government of Nizam. In the affidavit filed by petitioner No.1, it has been averred that even though their cases were recommended by the Screening Committee and the State Government, respondent No.1 has not passed necessary orders sanctioning pension to them.

In the counter-affidavit filed on behalf of respondent No.2, detailed reasons have been put forward to justify denial of pension to the petitioners under the 1980 Scheme. However, I do not consider it necessary to notice the pleadings of the parties in detail because Shri A.Rajendra Babu, learned counsel for the

petitioner gave out that in view of the stand taken in the counter-affidavit of respondent No.1, petitioner No.2 may be permitted to withdraw this petition with liberty to file fresh petition to question the rejection of his claim for grant of pension. As regards petitioner No.1, he submitted that the Court may direct release of pension in his favour subject to furnishing of the documents specified in Annexure R-1 dated 27.09.2004.

Shri Koti Reddy Idamakanti, Additional Central Government Standing Counsel stated that he does not have any objection to the acceptance of submission made by Shri A.Rajendra Babu.

I have considered the submissions of the learned counsel. In paras 38 to 40 of the counter-affidavit filed by Shri S.D.Kaushik, Under Secretary in the Ministry of Home Affairs, Government of India the following averments have been made:

> "38. That the case of the petitioner No.1 was examined after receipt of verification report from the State Government vide letter No.39265/FF.II/A2/03 dated 21.11.2003 and it has been decided to sanction him samman pension. He has been requested to send his Identification documents vide letter of this Ministry vide letter No.112/441/94-FF(HC) dated 27.09.2004 (Annexure-I). However, as submitted in para 27above, it has been

decided in January, 2006 that no sanction or approval for calling Identification Documents (Ids) may be given in any case {Court orders (after correct examination) excluded}, till (and if) a bonafide and correct course of action is approved at the competent level, due to the reasons mentioned in paras 30 to 37.

39. In the light of the foregoing facts any further action in respect of all the HSSC – recommended cases, including the petitioner's case, will be possible only after finalization of the course of action as submitted in paras 30 to 37.

40. That the case of the petitioner No.2 along with other 82 petitioners were placed before the erstwhile Hyderabad Special Screening Committee in compliance of the directions of the Hon'ble Court in Writ Petition No.1864/98. The Screening Committee did not recommend his case for grant of pension as such he is not eligible for grant of pension. However, Government of Andhra Pradesh forwarded his case along with the case of 4 other applicants indicating that their cases were sent with recommendation in compliance of the directions of the Hon'ble High Court in Writ Petition No.30229/97. However, on checking, name of none of the applicants (including petitioner No.2) were found in Writ Petition No.30229/97. A copy of the State Government's letter No.51618/FF.II/A(2)/2003 dated 22.02.2004 is enclosed herewith as **Annexure-R-II.** As the case of the petitioner is not recommended by the Screening

Committee, his case has been rejected vide letter No.52/CC/1020/98-FF(HC) dated 29.11.2004 (**Annexure-R-III**)."

In view of the above, the writ petition is disposed of in the following terms:

(1) petitioner No.1 should submit the documents specified in Annexure R-1 dated 27.09.2004.

(2) within three months of the submission of the documents, the competent authority shall, after getting the same verified, pass order for release of pension in his favour. If there is any doubt about the genuineness or authenticity of the documents produced by petitioner No.1, then the competent authority shall be entitled to make enquiry and pass appropriate order after hearing the said petitioner.

Insofar as petitioner No.2 is concerned, leave is granted to him to withdraw the writ petition with liberty to challenge the rejection of his claim for pension by filing fresh petition.

G.S.SINGHVI, CJ

14.11.2006
dr